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Federal Agencies

June 27, 2005

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1639

Re: U.S. Utility Patent Application
Application No. 09/818,991; Filed: March 28, 2001
For: **Methods of Directly Selecting Cells Expressing Inserts of Interest**
Inventors: **ZAUDERER et al.**
Our Ref: 1821.0050004/EKS/HCC/SAC

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Credit Card Payment Form (PTO-2038);
2. Third Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(c);
3. One page of Form PTO-1449 citing documents AF2, AS22 and AT22;
4. Copies of the cited documents AS22 and AT22; and
5. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
June 27, 2005
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Eric K. Steffe
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Registration No. 36,688

EKS/SAC/jk
Enclosures

412922



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ZAUDERER *et al.*

Appl. No.: 09/818,991

Filed: March 28, 2001

For: **Methods of Directly Selecting Cells
Expressing Inserts of Interest**

Confirmation No.: 9763

Art Unit: 1639

Examiner: Ponnaluri, P.

Atty. Docket: 1821.0050004/EKS/HCC/SAC

**Third Supplemental Information Disclosure Statement
Under 37 C.F.R. § 1.97(c)**

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Third Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Second Supplemental Information Disclosure Statement filed on April 27, 2005, in connection with the above-captioned application. Copies of documents **AS22** and **AT22** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), a copy of the U.S. patent application publication, document **AF2**, cited on the attached Form PTO-1449 is not submitted.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates

should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

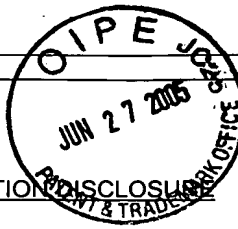


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FORM PTO-1449

ATTY. DOCKET NO.
1821.0050004/EKS/HCC/SACAPPLICATION NO.
09/818,991THIRD SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENTFIRST NAMED INVENTOR
ZAUDERER, M.FILING DATE
March 28, 2001ART UNIT
1639

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF2	2003/0124128 A1	07/03/2003	Lillie <i>et al.</i>			06/21/2002
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS	<u>22</u>	International Search Report for International Application No. PCT/US03/33557, United States Patent Office, Alexandria, VA, mailed on June 7, 2005
	AT	<u>22</u>	EST Database, Accession No. AA010615, Hillier, L., <i>et al.</i> , entry date July 29, 1996

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.